

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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JAMES A. WILSON, ANTHONY )  
MORRIS, DARUS YOUNG, ELDON )  
POTTS, JERRY WESTON, DERECK )  
STONE, ROBERT OXFORD, )  
RODERICK BROWN, SAMUEL JONES, )  
FRANK WILLIAMS, DEDRICK CHASE, )  
JEROME GREEN, ANTONIO FRISBY, )  
JOSE SERPA, BRIAN BRISCOE, )  
GEORGE A. JACKSON, H. )  
RICHARDS, GILBERT WILLIAMS, )  
NORMAN DESHIELDS, CHARLES )  
QUILLEN, TIM SOODAIN, KEVIN )  
SPIVEY, DE'SHAWN SMITH, )  
HOWARD PARKER, KENDALL REED, )  
JAMES JOHNSON, SHAUN LEE, )  
CHARLES B. SANDERS, NATHAN )  
HENRY, and PEDRO CINTRA, )

Plaintiffs, )

v. )

) Civ. No. 05-399-JJF

COMM. STANLEY TAYLOR, and )  
WARDEN RICK KEARNEY, )

Defendants. )

**ORDER**

1. The plaintiffs, pro se litigants who are presently incarcerated, have filed this action on June 16, 2005, pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee or a request to proceed in forma pauperis.

2. The plaintiffs are jointly and severally liable for the \$250.00 filing fee. Pursuant to 28 U.S.C. § 1915(b), the plaintiffs shall be assessed the filing fee of \$250.00.

3. Pursuant to the requirements of 28 U.S.C. § 1915(a)(1) and (2), and in order to determine the schedule of payment of the filing fee, each plaintiff shall submit a request to proceed in forma pauperis and a certified copy of his prison trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official at each institution at which each plaintiff is confined. **FAILURE OF A PLAINTIFF TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT THE PLAINTIFF'S DISMISSAL FROM THIS ACTION WITHOUT PREJUDICE. NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

4. Pursuant to 28 U.S.C. § 1915(g), if a plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that the plaintiff is under imminent danger of serious physical injury.

5. On June 22, 2005, plaintiff, JAMES A. WILSON, SBI #163663, amended the complaint to add an additional plaintiff, PEDRO CINTRA, SBI #351589 as a matter of course, pursuant to Fed. R. Civ. P. 15(a). (D.I. 3) On June 27, 2005, plaintiff JAMES A. WILSON, SBI #163663, filed a letter motion requesting leave to amend the complaint to correct the spelling of the following plaintiffs' names: De'Shawn Smith SBI # 281928, Darus Young SBI# 282852, and Nathan Henry SBI# 324881. (D.I. 4) The plaintiff's motion is granted. The Clerk of the Court shall correct the docket to reflect the correct spelling of the plaintiffs' names.

DATED:

July 7, 2005

  
United States District Judge